

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MIQUING BEN,

Plaintiff,

-against-

NANCY A. BERRYHILL,
Acting Commissioner of Social Security,

Defendant.

17cv08345 (DF)

ORDER

DEBRA FREEMAN, United States Magistrate Judge:

This matter being before this Court on consent of the parties pursuant to 28 U.S.C. § 636(c); and the Court having considered the submissions of both parties with respect to the application of Plaintiff's attorney, James M. Baker, Esq. ("Baker"), filed pursuant to 42 U.S.C. § 406(b), seeking approval to charge Plaintiff attorneys' fees in the amount of \$13,460.50 for representing Plaintiff in this case (Dkt. 42); and Baker having already been paid fees amounting to \$1,732.33 for the same representation under the Equal Access to Justice Act, 28 U.S.C. § 2412(d); it is hereby ORDERED as follows:

1. The Court approves the request to charge Plaintiff a fee of \$13,460.50 and authorizes the Commissioner to pay Plaintiff's attorney that sum out of retroactive benefits owing to Plaintiff.

2. The Court directs Baker to refund to Plaintiff the \$1,732.33 awarded to Plaintiff under the Equal Access to Justice Act promptly upon receipt of the payment of \$13,460.50.

3. The Clerk of Court is requested to close the motion filed at Dkt. 42 on the Docket of this action.

Dated: New York, New York
April 14, 2020

SO ORDERED



DEBRA FREEMAN
United States Magistrate Judge

Copies to:

All parties (via ECF)